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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,592	12/13/2001	Victor B. Lortz	884.501US1	6044

7590 03/17/2008

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EXAMINER	
DAVIS, ZACHARY A	

ART UNIT	PAPER NUMBER
2137	

MAIL DATE	DELIVERY MODE
03/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/022,592	LORTZ, VICTOR B.	
	Examiner	Art Unit	
	Zachary A. Davis	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A response was received on 18 December 2007. By this response, Claim 8 has been amended. No claims have been added or canceled. Claims 1-14 are currently pending in the present application.

Response to Arguments

2. Applicant's arguments filed 18 December 2007 have been fully considered but they are not persuasive.

Claims 1-9 and 12-14 were rejected under 35 U.S.C. 102(e) as anticipated by McGarvey, US Patent 6643774. Claim 10 was rejected under 35 U.S.C. 103(a) as unpatentable over McGarvey in view of Eastlake et al, "XML-Signature Syntax and Processing". Claim 11 was rejected under 35 U.S.C. 103(a) as unpatentable over McGarvey in view of Ellison et al, "SPKI Certificate Theory".

Regarding the claims in general, Applicant broadly argues that "McGarvey fails to teach or suggest a client interacting with both an authorizer and a third party" (page 5 of the present response) but does not provide explicit arguments in support of this assertion. More specifically, with respect to independent Claims 1 and 9, Applicant argues that McGarvey does not teach or suggest "direct client-authorizer and client-third party communications" (page 6 of the present response) and that interactions between the client and private key system (corresponding to the claimed authorizer) "are

funneled through the server" and that "[t]here is no teaching or suggestion of bypassing the central server" (pages 5-6 of the present response). First, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "direct client-third party communication" and "bypassing the central server") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Further, although Applicant asserts that "tunneling is a term of art used to establish links between networks, typically in an encrypted manner, and is generally not used to describe connections between computing devices or processes", that tunneling "typically refers to a network over which computing devices or processes communicate", and that McGarvey's use of the term "seems to suggest that a secure network is utilized rather than direct client-authorizer" communications as claimed, the Examiner respectfully disagrees with all of these assertions. First, the Examiner notes that FOLDOC (the Free On-Line Dictionary Of Computing) defines tunneling as "Encapsulation of protocol A within protocol B, such that A treats B as though it were a data link layer" and goes on to note that "Tunneling is used to get data between administrative domains which use a protocol that is not supported by the internet connecting those domains"; there is nothing in the definition that explicitly describes the use of encryption or "secure networks" as asserted by Applicant. Additionally, it is clear from the context in McGarvey that the above definition of the term is not intended, but

instead the term "tunneling" used as a synonym for "forwarding" (see column 10, lines 13-15, where the server "forwards or tunnels" information from the client to the private key system). McGarvey explicitly states that "the actual exchange of certificates and credentials is between the client and the private key system" even though the handshake is "tunneled through the server" (column 11, lines 42-46). Therefore, the Examiner submits that the preponderance of evidence is suggestive that the actual transmission or provision of the certificate is at base between the client and the private key system, the latter corresponding to the claimed authorizer (see also column 11, lines 61-66). Again, the Examiner notes that Applicant has explicitly stated that the recitation in the claim "is not intended to say that there are no network routers, hubs, switches, or other devices that enable computing devices to communicate over a network" (implicitly between the client and authorizer, see page 6 of the response received 05 July 2007). The Examiner reiterates that a server acting to perform the tunneling or forwarding operation as described in McGarvey would be encompassed by at least the last category, i.e., the forwarding server would be a device that enables computing devices to communicate over a network. Therefore, the Examiner believes that McGarvey does disclose the direct client-authorizer provision of a certificate as claimed.

Regarding dependent Claim 3, Applicant argues that McGarvey fails to teach or suggest a one-time use certificate and that the cited portions of McGarvey only describe tickets "that are good only for a short period of time" or "limit use to a certain unit of work" (page 6 of the present response). However, Applicant does not further elaborate

on why these, especially a ticket that limits use to a "unit of work", are not seen to suggest a one-time use certificate. In particular, the Examiner believes that although the term is not explicitly defined within McGarvey, from the plain meaning of the words, a "unit of work" could be considered to be as small as a single processing operation, and would certainly encompass a process that could require as little as a single communication session. Therefore, if there is only one session, then the certificate would only be used once, and therefore, this would meet the limitation of a "one-time use certificate" as claimed.

Therefore, for the reasons detailed above, the Examiner maintains the rejections as set forth below.

Claim Rejections - 35 USC § 112

3. Although the amendment to Claim 8 has rendered moot some of the issues of indefiniteness described in the previous office action, it appears that other issues of indefiniteness remain. Therefore, Claim 8 remains rejected under 35 U.S.C. 112, second paragraph, as set forth below.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "not providing, by the client to the authorizer, the at least one first certificate". This limitation appears to explicitly contradict the limitation in independent Claim 1 of providing the at least one first certificate by the client to the authorizer. This renders the claim indefinite.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-9 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by McGarvey, US Patent 6643774.

In reference to Claim 1, McGarvey discloses a method including a client storing a first certificate from an authorizer, the client storing a URI associated with the first certificate and a third party, the client providing a certificate and the URI to the third party (see column 12, lines 22-26), and the client providing the first certificate directly to the authorizer in response to the authorizer accessing the URI, in which the client retains control over the third party's use of the first certificate (see Figures 3 and 8, where the client 300 corresponds to the client of the present claim, the server 310

corresponds to the third party of the present claim, and private key system 330 corresponds to the authorizer of the present claim; see also column 11, line 37-column 12, line 11, where, *inter alia*, the certificate is tunneled directly from the client to the private key system, i.e. authorizer).

In reference to Claims 2 and 3, McGarvey further discloses providing a short-term use certificate to the third party (column 12, lines 30-35; column 8, lines 8-13).

In reference to Claim 4, McGarvey further discloses authenticating the authorizer upon accessing the URI (column 11, lines 60-61).

In reference to Claims 5 and 6, McGarvey further discloses limiting and tracking the third party's use of the first certificate (column 8, lines 8-13).

In reference to Claim 7, McGarvey further discloses that the contents of the first certificate are not revealed to the third party (see column 11, lines 42-46).

In reference to Claim 8, McGarvey further discloses determining that the third party's ability to use the first certificate is not authorized (see column 12, lines 30-36).

In reference to Claim 9, McGarvey discloses a method including a client receiving a first certificate from an authorize, the client generating a URI associated with the first certificate and a third party, the client providing a second certificate and the URI to the third party (see column 12, lines 22-26), and the client providing the first certificate directly to the authorizer upon the authorizer accessing the URI after the third party has provided the second certificate and URI to the authorizer (see Figures 3 and 8, where the client 300 corresponds to the client of the present claim, the server 310

corresponds to the third party of the present claim, and private key system 330 corresponds to the authorizer of the present claim; see also column 11, line 37-column 12, line 11, where, *inter alia*, the certificate is tunneled directly from the client to the private key system, i.e. authorizer).

In reference to Claim 12, McGarvey further discloses that the third party is granted access to a resource of the authorizer (column 8, lines 4-19).

In reference to Claim 13, McGarvey further discloses tracking a use of the second certificate (column 8, lines 8-13).

In reference to Claim 14, McGarvey further discloses that the second certificate can be revoked (column 8, lines 10-13; column 12, lines 30-36).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGarvey in view of Eastlake et al, "XML-Signature Syntax and Processing".

McGarvey discloses everything as applied above to Claim 9. However, McGarvey does not explicitly disclose the use of XML signatures. Eastlake discloses that XML signatures can be used to apply digital signatures to the content of resources

that may be external to the signature itself (page 4, section 1.0, "Introduction"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of McGarvey to include the use of XML signatures, in order to provide integrity and message or signer authentication (see Eastlake, page 1, Abstract).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGarvey in view of Ellison et al, "SPKI Certificate Theory".

McGarvey discloses everything as applied above to Claim 9. However, McGarvey does not explicitly disclose the use of SPKI certificates. Ellison et al disclose that authorization certificates can be used to delegate authorizations (page 14, section 4, "Delegation") and that SPKI certificates can be used to define an authorization certificate (page 13, section 3.3, "SPKI Certificates"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of McGarvey to include the use of SPKI certificates, in order to allow for authorizations to be delegated without needing to involve the owner of the resource concerned (see Ellison, page 14, section 4).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Weeks et al, US Patent 7313692, discloses a trust management system using authorization certificates for delegation of authorization.

b. Wray, US Patent 7340601, discloses a certification system that includes delegation using SPKI certificates.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571)272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ZAD/
Examiner, Art Unit 2137

/Emmanuel L. Moise/
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